

CURTIS LEE HENDERSON SR  
H-43488  
P.O. BOX 7500  
CRESCENT CITY CALIF 95531

**FILED**

MAY 31 2007

RICHARD W. WIEKING  
CLERK, U.S. DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

CURTIS LEE HENDERSON, SR.,  
PLAINTIFF,

**E-filing**

REQUEST FOR APPOINTMENT  
OF COUNSEL

VS.

CALIFORNIA DEPARTMENT OF  
CORRECTIONS AND REHABILITATIONS, ET AL,  
DEFENDANTS.

**C 07-2838**  
**SBA (PR)**

TO THE HONORABLE SAUNDRA B. ARMSTRONG, JUDGE  
OF THE ABOVE ENTITLED COURT.

PLEASE TAKE NOTICE THAT THE PLAINTIFF CURTIS  
LEE HENDERSON SR, RESPECTFULLY REQUEST THE APPOINTMENT  
OF COUNSEL IN THIS CASE NOW BEFORE THE COURT.

THE PLAINTIFF UNDERSTANDS THAT THERE CURRENTLY  
EXISTS NO ABSOLUTE RIGHT TO APPOINTMENT OF COUNSEL.  
HOWEVER, TITLE 18 U.S.C. § 3006 A AUTHORIZES THE APPOINTMENT  
OF COUNSEL AT ANY STAGE OF THE CASE "IF THE INTEREST OF  
JUSTICE SO REQUIRE." THE FOLLOWING SHOULD BE TAKEN INTO  
CONSIDERATION;

- 1) THE COMPLAINT IN THIS CASE ALLEGES THAT THE  
PLAINTIFF WAS SUBJECTED TO UNNECESSARY FORCE  
BY SEVERAL CORRECTIONAL OFFICERS, SOME OF WHOM  
ACTIVELY BEAT HIM WITH THERE BATONS, SPRAYED  
HIM WITH PEPPER SPRAY, AND PLACED HIM IN  
MECHANICAL RESTRAINT (HAND CUFFS) IN A WAY WHICH  
PREVENTED BLOOD FLOW TO THE HANDS CAUSING  
PERMINANT NERVE DAMAGE.

- 2) IT FURTHER ALLEGES THAT WHILE RESTRAINED HE WAS PUNCHED IN THE JAW WHILE ON THE GROUND BY AN OFFICER.
- 3) IT ALLEGES THAT OFFICERS AS WELL AS HIGH RANKING OFFICERS WATCHED AS OFFICERS BEAT THE PLAINTIFF, AND DISPIE THE PLAINTIFF PLEADINGS TO THOSE OFFICIAL TO CONTROLE THE SITUATION. THOSE OFFICERS FAILED TO INTERVENE.
- 4) IT FURTHER ALLEGES THAT THE CALIFORNIA DEPARTMENT OF CORRECTION AND REHABILITATION'S AND SUPERVISORY OFFICIAL'S WERE WELL AWARE OF THE VIOLENT PROPENSITIES OF SOME OF THE OFFICERS AND ALLOWED ASSAULTIVE BEHAVIOUR TO CONTINUE TO EXISTS AT PBSP.
- 5) IT FURTHER ALLEGES THAT ~~THA~~AFTER THE BEATINGS THE PLAINTIFF WAS DENIED MEDICAL TREATMENT AS AN EFFORT TO COVER UP THERE ASSAULTIVE BEHAVIOR.
- 6) IT ALLEGES THAT FURTHER EFFORTS WERE TAKEN TO COVER UP THESE ASSAULTS BY THROWING THE THE PLAINTIFFS LEGAL MAIL TO THE ~~COURTS~~ IN THE TRASH WHEN HE ATTEMPTED TO NOTIFY OUTSIDE AUTHORITIES.
- 7) IT FURTHER ALLEGES THAT ADDITIONAL STEPS WERE TAKEN TO COVER UP THE ASSAULT ON THE PLAINTIFF, WHEN PBSP & CDCR ASSIGNED A DEFENDENT WHO FAILED TO STOP THE ASSAULT. TO INVESTIGATE THE ASSAULT. SURELY THAT DEFENDANT (CHRIST) HAD A PERSONAL INTEREST, IN NOT FINDING HIMSELF, AND HIS OFFICERS GUILTY FOR THESE CRIMES.

- 8) THIS IS A COMPLEX CASE WHICH CONTAINS SEVERAL DIFFERENT LEGAL CLAIMS, WITH EACH CLAIM INVOLVING A DIFFERENT SET OF DEFENDANTS.
- 9) THE CASE INVOLVES MEDICAL ISSUES THAT MAY REQUIRE EXPERT TESTIMONY.
- 10) THE CASE WILL REQUIRE DISCOVERY OF DOCUMENTS AND DEPOSITIONS OF A NUMBER OF WITNESSES/ DEFENDANTS.
- 11) THE TESTIMONY WILL BE IN SHARP CONFLICT SINCE THE PLAINTIFF AFFIRMATIVELY ALLEGES IN THE COMPLAINT THAT THE DEFENDANTS ASSAULTED HIM, WHILE THE DEFENDANTS ASSERTED THAT HE ASSAULTED THEM.
- 12) THE COURT SHOULD ALSO CONSIDER THE LIKELYHOOD OF SUCCESS ON THE MERITS.

IN A SINCERE EFFORT TO COMPLY WITH THE RULES OF THIS COURT AND TO OBSERVE ALL THE NUMEROUS LEGAL PROTOCOLS THAT THE MEMBERS OF THE LEGAL PROFESSION ARE PRIVY TO AS A MATTER OF COURSE, THE PLAINTIFF RESPECTFULLY REQUEST THIS COURT GRANT THIS REQUEST FOR THE APPOINTMENT OF COUNSEL.

THE INTEREST OF JUSTICE WOULD BE SERVED BY THE APPOINTMENT OF COUNSEL AT THIS TIME.

I DECLARE UNDER PENALTY OF PERJURY THAT THE FORGOING IS TRUE AND CORRECT.

5/21/07  
DATED

  
CURTIS LEE HENDERSON SR  
PRO PER

PROOF OF SERVICE BY MAIL

(C.C.P. Sec. 101a #2015-5; 28 U.S.C. Sec. 1746)

I, CURTIS L. HENDERSON SR, am a resident of Pelican Bay State Prison, in the County of Del Norte, State of California. I am over the age of eighteen (18) years and am a party to the above-entitled action.

My State Prison address is: Post Office Box 7500, Crescent City, California, 95531.

On the 24 day of MAY, 2007, I served the following (set forth the exact title of document(s) served):

REQUEST FOR APPOINTMENT OF COUNSEL

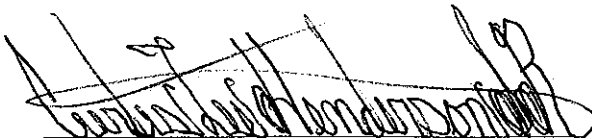
on the party(s) herein by placing a true copy(s) thereof, enclosed in a sealed envelope(s), with postage thereon fully paid, in the United States mail, in a deposit box so provided at Pelican Bay State Prison, Crescent City, California, 95531, addressed as follows:

UNITED STATES DISTRICT  
COURT NORTHERN DISTRICT CA.  
1301 CLAY ST SUITE 400S  
OAKLAND CALIF 94612-5212

There is delivery service by United States mail to the place so addressed and/or there is regular communication by mail between the place of mailing and the place so addressed.

I declare under penalty of perjury that the foregoing is true and correct.

Dated this 24 day of MAY, 2007.



Declarant/Prisoner signature